



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,765	10/22/2001	Tatsuo Kaizu	275743US6	3313

22850 7590 05/12/2006

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

PARRY, CHRISTOPHER L

ART UNIT	PAPER NUMBER
----------	--------------

2623

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/016,765	Applicant(s) KAIZU ET AL.	
	Examiner Chris Parry	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument (Page 7, lines 1-6), stating Franco does not disclose, teach, or suggest an information processing apparatus; the examiner respectfully disagrees. Franco discloses an information processing apparatus (702 – figure 1) comprising: control means (706 – figure 7) including, acquisition means (704 figure 7) for acquiring control information (108 – figure 1) for controlling preset recording of a program from a remote program information providing apparatus (102 – figure 1) (§ 103). Franco teaches client programming device 702 or "information processing apparatus" is preferably a small device that can be placed adjacent to the recording and replay device 750 (recording device 750 may be a conventional VCR and is a separate device from device 702) (§ 97). Franco further teaches the client communication module 704 can be similar or identical to the client communication module 524 as shown in figure 5 (§ 92 and 101).

Franco further teaches, conversion means (706 – figure 7) for converting contents described in said control information (108 – figure 1) acquired by said acquisition means (704 – figure 7) into code information for setting said program preset recording to a recording apparatus (750 – figure 7) (§ 104). Franco discloses processor

706 or "conversion means" is configured to process received programming data 108 to produce appropriate programming commands 710 that will be interpreted by the video recording and replay device 750 (§ 101).

Franco teaches, transmission means (708 – figure 7) receiving said code information from said conversion means (706 – figure 7) for transmitting said code information obtained by said conversion means (706 – figure 7) to said recording apparatus (750 – figure 7) under control of said control means (706 – figure 7) (§ 104). Therefore, Franco teaches each and every limitation as recited in claims 1 and 5-7.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Franco (U.S. 2002/0046407).

Regarding Claim 1, Franco discloses an information processing apparatus, comprising: control means (702 – figure 7) including, acquisition means (704 – figure 7)

for acquiring control information (108 – figure 1) for controlling preset recording of a program from a remote program information providing apparatus (102 – figure 1) (§ 103). France further discloses host system 102 transmits programming data 108 over communications link 130 to client programming device 702 or “control means” (§ 103).

Franco teaches, conversion means (706 – figure 7) for converting contents described in said control information (108 – figure 1) acquired by said acquisition means (704 – figure 7) into code information (710 – figure 7) for setting said program preset recording to a recording apparatus (750 – figure 7) (§ 104). Franco teaches the processor 706 preferably creates programming commands 710 based at least upon the received programming data 108 (§ 104).

Franco teaches, transmission means (708 – figure 7) for receiving said code information (710 – figure 7) from said conversion means (706 – figure 7) and for transmitting said code information (710 – figure 7) obtained by said conversion means (706 – figure 7) to said recording apparatus (750 – figure 7) under control of said control means (702 – figure 7) (§ 104). Franco discloses, the client programming device 702 programs the video recording device 750 to record broadcast content by transmitting the programming commands 710 to the video recording device 750, preferably through data port 708 (§ 104).

As for Claim 2, France teaches, “wherein said code information is G-code” by disclosing client control module 520 is enabled with VCR-Plus technology. The

Art Unit: 2623

programming data 108 in this case can simply be formatted as VCR-Plus codes or "G-Code" (§ 92). Franco further teaches the client communication module 704 may be similar or identical to the client communication module 524 of the embodiment 500 illustrated in figure 5 (§ 101). Further, VCR-Plus codes are created by an algorithm that transforms a channel and time period into a numeric code. Based upon the VCR-Plus code, the device determines the appropriate time and channel to record and records the program (also referred to herein as "content unit") identified by the code. VCR-Plus technology is available from Gemstar International Group Limited (§ 006).

As for Claim 3, Franco teaches, "wherein said transmission means transmits said code information to said recording apparatus by use of an infrared signal" by disclosing in figure 7, data ports 708 and 752 may include both IR transmitters and receivers to support bi-directional communication (§ 100). Further, the client programming device 702 transmits the programming commands 710 to video recording device 750, preferably through data port 708 (§ 104).

As for Claim 4, Franco teaches, "wherein said control information includes broadcast channel information, broadcast date, broadcast start time, and recording end time of said program" by disclosing a program can be identified in any number of ways, such as, for example, by a name, by an identifier (e.g., Video Plus code or other identifier associated with a particular content unit), or by a broadcast channel, date,

time, and length (CDTL). CDTL data can be obtained from widely available electronic programming guides (EPG) (§ 064).

Regarding Claim 5, Franco discloses an information processing method (800 - figure 8), comprising: in a control device (702 - figure 7), acquiring control information for controlling preset recording of a program from a remote program information providing apparatus (102 - figure 1) (802 - figure 8; § 103). Franco discloses in figure 8 in step 802, client communication module 704 receives programming data transmitted from a remote location over a communication link (§ 103).

Franco teaches, converting contents described in said control information acquired by said acquiring (802 - figure 8) into code information for setting said program preset recording to a recording apparatus (750 - figure 7) (804 - figure 8; § 104). Franco discloses in step 804, processor 706 creates the programming commands based upon the received programming data (§ 104).

Franco teaches transmitting said code information obtained by said converting (804 - figure 8) to said recording apparatus (750 - figure 7) under control of said control device (702 - figure 7) (806 - figure 8; § 104). Franco discloses at step 806, the client programming device 702 programs the video recording device 750 to record broadcast content by transmitting the programming commands 710 to the video recording device 750, preferably through the data port 708 (§ 104).

Regarding Claim 6, Franco discloses a program storage medium storing a computer-readable program, said program storage medium comprising in a control device (702 – figure 7), acquiring control information for controlling preset recording of a program from a program information providing apparatus (102 – figure 1) (802 – figure 8; ¶ 103). Franco discloses in figure 8 in step 802, client communication module 704 receives programming data transmitted from a remote location over a communication link (¶ 103).

Franco teaches, converting contents described in said control information acquired by said acquiring (802 – figure 8) into code information for setting said program preset recording to a recording apparatus (750 – figure 7) (804 – figure 8; ¶ 104). Franco discloses in step 804, processor 706 creates the programming commands based upon the received programming data (¶ 104).

Franco teaches transmitting said code information obtained by said converting (804 – figure 8) to said recording apparatus (750 – figure 7) under control of said control device (702 – figure 7) (806 – figure 8; ¶ 104). Franco discloses at step 806, the client programming device 702 programs the video recording device 750 to record broadcast content by transmitting the programming commands 710 to the video recording device 750, preferably through the data port 708 (¶ 104).

Regarding Claim 7, Franco discloses an information processing apparatus, comprising: a controller (706 – figure 7) configured to, acquire control information for

Art Unit: 2623

controlling preset recording of a program from a remote program information providing apparatus (102 – figure 1) (802 – figure 8; ¶ 103). Franco discloses step 802 in figure 8, client communication module 704 receives programming data transmitted from a remote location over a communication link (¶ 103).

Franco teaches, convert contents described in said acquired control information (108 – figure 1) into code information for setting said program preset recording to a recording apparatus (750 – figure 7) (804 – figure 8; ¶ 104). Franco discloses in step 804, processor 706 creates the programming commands based upon the received programming data (¶ 104).

Franco teaches, a transmitter (708 – figure 7; ¶ 100) configured to receive said code information from said controller (706 – figure 7) and to transmit said received code information to said recording apparatus (750 – figure 7) under control of said controller (706 – figure 7) (806 – figure 8; ¶ 101 and 104). Franco discloses at step 806, the client programming device 702 programs the video recording device 750 to record broadcast content by transmitting the programming commands 710 to the video recording device 750, preferably through the data port 708 (¶ 104).

As for Claim 8, France teaches, “wherein said code information is G-code” by disclosing client control module 520 is enabled with VCR-Plus technology. The programming data 108 in this case can simply be formatted as VCR-Plus codes or “G-Code” (¶ 92). Franco further teaches the client communication module 704 may be

similar or identical to the client communication module 524 of the embodiment 500 illustrated in figure 5 (§ 101). Further, VCR-Plus codes are created by an algorithm that transforms a channel and time period into a numeric code. Based upon the VCR-Plus code, the device determines the appropriate time and channel to record and records the program (also referred to herein as "content unit") identified by the code. VCR-Plus technology is available from Gemstar International Group Limited (§ 006).

As for Claim 9, Franco teaches, "wherein said transmitter transmits said code information to said recording apparatus by use of an infrared signal" by disclosing in figure 7, data ports 708 and 752 may include both IR transmitters and receivers to support bi-directional communication (§ 100). Further, the client programming device 702 transmits the programming commands 710 to video recording device 750, preferably through data port 708 (§ 104).

As for Claim 10, Franco teaches, "wherein said control information includes broadcast channel information, broadcast date, broadcast start time, and recording end time of said program" by disclosing a program can be identified in any number of ways, such as, for example, by a name, by an identifier (e.g., Video Plus code or other identifier associated with a particular content unit), or by a broadcast channel, date, time, and length (CDTL). CDTL data can be obtained from widely available electronic programming guides (EPG) (§ 064).

Note to Applicant

4. Art Units 2611, 2614 and 2617 have changed to 2623. Please make sure all future correspondence indicate the new designation 2623.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Parry whose telephone number is (571) 272-8328.

Art Unit: 2623

The examiner can normally be reached on Monday through Friday, 8:30 AM EST to 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiners Initials: CLP

May 2, 2006


CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800